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JUL 12 2006

Application No.: 10/502,106

Case No.: 57213US004

REMARKS

Upon entry of the present amendment, claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 will be pending. Claims 2, 5, 10, 13, 15, and 18 have been canceled. Applicant respectfully requests reconsideration of claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 in view of the following remarks.

I. Claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 are Novel and Not Obvious in view of Fujii et al., Matsuzawa et al., or Akahori et al.

As a preliminary matter, the Office Action states that Applicant's prior arguments have been considered, but fails to provide a proper explanation as to why the missing features identified by Applicant would be obvious. In this regard, the Office Action simply states "the [missing] features are considered to have been obvious given what the references do disclose". In doing so, the Office Action has failed to establish a *prima facie* case of obviousness.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference. Second, there must be a reasonable expectation of success. Finally, the prior art reference must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The Office Action fails to provide any reason why one would modify any of the references, much less to modify them in a manner that would have successfully produced Applicant's claimed invention. Further, the Office Action fails to provide any explanation as to how each of the references teach or suggest all the claim limitations.

Applicant maintains that the arguments presented in its response filed October 21, 2005, continue to apply, but are not repeated herein. In an effort to further distinguish the present invention over the cited prior art and further prosecution, Applicant has amended claim 1 by incorporating the features of claim 5.

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a. Fujii et al. (U.S. Pat. Nos. 6,165,061 and 6,398,826)

Claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Fujii et al. (U.S. Pat. Nos. 6,165,061 and 6,398,826). Applicant requests reconsideration of this rejection because Fujii et al. do not teach or suggest the use of an abrasive layer having a three-dimensional structure constructed with a plurality of regularly arranged three-dimensional elements having a predetermined shape, as recited in Applicant's claims. Accordingly, the rejection of claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 in view of Fujii et al. should be withdrawn.

b. Matsuzawa et al. (U.S. Pat. No. 6,615,499)

Claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Matsuzawa et al. (U.S. Pat. No. 6,615,499). Applicant requests reconsideration of this rejection because Matsuzawa et al. do not teach or suggest the use of an abrasive layer having a three-dimensional structure constructed with a plurality of regularly arranged three-dimensional elements having a predetermined shape, as recited in Applicant's claims. Accordingly, the rejection of claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 in view of Matsuzawa et al. should be withdrawn.

c. Akahori et al. (U.S. Pat. No. 6,783,434)

Claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 stand rejected under 35 U.S.C. § 102 as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as allegedly being obvious over Akahori et al. (U.S. Pat. No. 6,783,434). Applicant requests reconsideration of this rejection because Akahori et al. do not teach or suggest the use of an abrasive layer having a three-dimensional structure constructed with a plurality of regularly arranged three-dimensional elements having a predetermined shape, as recited in Applicant's claims. Accordingly, the rejection of claims 1, 3, 4, 6-9, 11, 12, 14, 16, 17, and 19 in view of Akahori et al. should be withdrawn.

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II. Conclusion

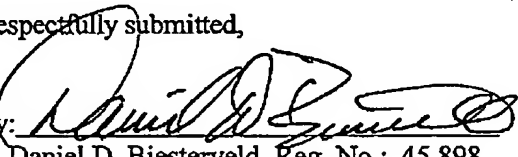
In view of the above, it is submitted that the application is in condition for allowance. Reconsideration of the application is requested. The Examiner is invited to contact Applicant's undersigned representative with any questions concerning Applicant's application.

Respectfully submitted,

Date

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